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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 Allstate Insurance Co.,) CV 08-3326-RSWL (FMOx)
12)
13 Plaintiff,) ORDER
14)
15 v.)
16 Richard Thacher, et al.,)
17)
18 Defendants.)

19 On March 1, 2011, the Court held a status
20 conference regarding this Action and vacated the court
21 trial set for March 15, 2011. Counsel for both parties
22 informed the Court that they would meet and confer to
23 discuss how they intend to proceed with this Action.
24 The Court is now in receipt of the Joint Status Report
25 submitted by Plaintiff Allstate Insurance Company and
26 Defendants Richard Thacher, Valerie Ann Thacher, and
27 Guadalupe Trujillo [234]. Plaintiff Allstate has
28 informed the Court that it elects to have this case

1 proceed as a trial de novo. On the other hand,
2 Defendants have informed the Court that they would like
3 to proceed with a court trial on the Court's
4 determination of damages only.

5 While the Court found that the damages awarded to
6 Defendant Trujillo in the arbitration were
7 unconscionable in light of Defendant's actual injuries
8 and the settlement figures proposed initially, upon
9 further review, the Court finds that proceeding with a
10 trial de novo could lead to a similar verdict to the
11 one returned by the jury in the first trial.
12 Specifically, the jury could not determine the amount
13 of damages to award to the Defendants. Rather, the
14 jury was limited to determining whether the arbitration
15 award was unreasonable or the product of fraud or
16 collusion. The jury in a new trial will be limited to
17 resolving this same issue, which could potentially lead
18 to a similar verdict to the one returned by the jury in
19 the first trial.

20 As such, in the interests of judicial economy, the
21 Court informs the parties that it is now contemplating
22 vacating its November 23, 2009 Order [196] granting
23 Plaintiff's Motion for a New Trial on the sole issue of
24 damages as well as the Motion to Alter or Amend the
25 Judgment. The Court would instead reinstate the
26 September 18, 2009 Judgment [173], and that Judgment
27 would then serve as a final judgment that may be
28 reviewed upon appeal.

Accordingly, the Court orders the parties to submit their position papers with respect to the Court's position stated in this Order on or before May 31, 2011.

DATED: May 16, 2011

IT IS SO ORDERED.

RONALD S.W. LEW

HONORABLE RONALD S.W. LEW

Senior, U.S. District Court Judge